

Michigan Association for
Purebred Dogs



Michigan Hunting Dog
Federation



Position Paper
HB 4550 - HB 4551 - HB 4552
(As introduced)

These three associated bills will amend Public Act 328 of 1931 & Public Act 175 of 1927 concerning penalties for animal abuse.

The Michigan Association for Pure Bred Dogs and the Michigan Hunting Dog Federation oppose the bills as they are written for the following reasons:

The overly broad coverage in the bills that applies to any vertebrate animal makes it extremely difficult to adequately define cruelty or abuse. The variable habitats, behaviors and environmental needs of mammals, birds, fish and reptiles place a difficult assignment to the enforcers and adjudicators of "adequate care or abuse." In our opinion, this feature has led to considerable vagueness and places the defendant in a precarious position to prove his innocence of the provision of the law. Likewise it makes the prosecution of the charge equally challenging to prove guilt by the state.

The definition of "Animal protection shelter," which has been given some responsibility for impounding animals owned by the accused, is profoundly lacking in clarity. *"Animal protection shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, OR ANY OTHER NONPROFIT ORGANIZATION, FOR THE CARE OF HOMELESS ANIMALS.* **Are these facilities required to be regulated by any governmental agency? How can the owner of the animals be assured that his property will be protected by such a non-regulated facility until he/she has been declared innocent? We believe under this definition of facility, this provision should not be approved in this bill**

The definition of "Sanitary conditions" is so vague that no environmental habitat is free from other conditions that endanger the animal's health (except the exclusion "any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.") A sick animal has already proven to be in violation of this provision.

An owner shall not do any of the following: Cruelly drive (some animal activists believe that sled dog racing fits this description). Weight pulling is also a popular competitive sport at performance show events for dogs (can this mean to cruelly drive?). An Orlando (FL) Sentinel article reported that horse-drawn carriages are banned in Orlando. A Circuit Judge struck down Orlando's ordinance to allow horse-drawn carriages, at the request of animal-rights activists. (Orlando Sentinel, March 7, 2006). Would this bill allow horse drawn carriages or would it be "customary and reasonable practice pursuant to farming or animal husbandry?" We suggest that a similar statement be added for dogs .

An owner shall not do any of the following: Negligently allow an animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or non-ambulatory to suffer unnecessary neglect, torture, or pain. This is such a subjective judgment and relies upon evaluation of numerous factors. We believe it is inappropriate in this statute. It reeks of a socialistic approach to government intervention in the freedom of reasonable animal owner to decide what is best for the animal in consultation with an animal health-care professional

The section on transporting animal, although it is current law, should be revised to accommodate the wide range of species to which it applies. *The transportation of dogs should be revised to specify the space allowed inside of the crate to conform to environmental conditions.* It acknowledges the need of sled dogs but should be revised to include other breeds of hunting dogs such as coonhounds. The inside of the crate should be smaller for retaining the body heat of the dog during transportation in cold weather.

Controlling an animal by tethering is an acceptable method of restraint. A study reported by researchers at Cornell University's College of Veterinary Medicine compared tethering with pen confinement of dogs (J. Applied An. Welfare Science 4(4), 257-270). They concluded: "the behavior of dogs in this study did not indicate an improvement in welfare in pens." The important consideration in this method of containment is the effect of factors other than tethering (availability of shelter, food, water, length and condition of available exercise areas and sanitation). Tethering of other animals is permitted by "a customary animal husbandry or farming practice." This is certainly a customary practice for containment of dogs, no more cruel than penning, crating or restricted confinement inside the house. We believe the tethering restriction should be eliminated.

Section 50b (2); A person shall not do any of the following: (A) Intentionally.... **mutilate, maim or disfigure an animal... without just cause.** Who decides "just cause?" This provision could eliminates all elective surgery such as tail docking, dewclaw removal, ear cropping, debarking, castration, spaying and many other procedures. **Without just cause** is a questionable statement that has many conflicting interpretations and is too vague to be included.. We believe a statement should be added to the bill that procedures performed by a licensed veterinarian with the consent of the owner should not be considered mutilation, maiming or disfigurement.

Additional information about Michigan's dog industry.

In Michigan, 220,000 dogs die each year of old age or natural causes (out of a total population of 2.2 millions dogs). Spaying and neutering, obviously would make it impossible for responsible breeders to produce the puppies to fill this natural attrition. While 50,000 dogs are euthanized in the 150 Michigan shelters every year, it must be remembered that the vast majority of these are not suitable for adoption because of age, disease, physical disability, temperament, or other reasons. (Only 2% of Michigan's dogs are euthanized in Michigan Shelters each year— this represents the overpopulation of dogs).

Others will testify to the problems with the sentencing provisions. However let me note that these provisions constitute a taking without due process. There is an inherent presumption of guilt as the animal is seized and held pending trial. Further, only the wealthy would be able to pay the costs to house and care for the animals pending trial and

during the trial and possible appeal process. This could amount to thousands of dollars. Thus this bill is seriously constitutionally flawed as it deprives one of his property without due process and discriminates against those who cannot afford to pay the cost of care for the animals throughout the lengthy legal process.

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5-16-2007